

[4910-13-U]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39 [66 FR 20737 4/25/2001]

[Docket No. 2001-NM-67-AD; Amendment 39-12190; AD 2000-26-09 R1]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that currently requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This amendment adds information pertaining to certain material incorporated by reference. This amendment is prompted by the issuance of revisions to the Dornier 328 Airworthiness Limitations Document. The actions specified by this AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Effective February 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-67-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-67-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Tom Groves; Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: On December 22, 2000, the FAA issued AD 2000-26-09, amendment 39-12059 (66 FR 265, January 3, 2001), applicable to all Dornier Model 328-100 series airplanes, to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. That action was prompted by issuance of revisions to the Dornier 328

Airworthiness Limitations Document. The actions required by that AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA notes that we inadvertently did not provide information pertaining to the incorporation by reference of certain materials. The incorporation by reference of certain materials allows Federal agencies to comply with the requirement to publish rules in the **Federal Register** by referring to materials already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other properly issued rule, has the force and effect of law. Congress authorized incorporation by reference in the Freedom of Information Act to reduce the volume of material published in the **Federal Register** and Code of Federal Regulations (CFR).

FAA's Findings

The FAA has revised AD 2000-26-09 to incorporate by reference Revision 13 of the Dornier 328 Airworthiness Limitations Document (ALD) TM-ALD-010693-ALL, dated July 25, 1997, and certain Temporary Revision (TR) documents into the Airworthiness Limitations Section (ALS), which were referenced in that AD as the appropriate source documents necessary to accomplish the requirements of that AD. We have revised that AD to include that information by adding a new paragraph (e) to this revised AD, and have renumbered the subsequent paragraph accordingly.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD revises AD 2000-26-09 to continue to require revising the Dornier 328 Airworthiness Limitations Document to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This revised AD adds information, as discussed above, pertaining to certain material incorporated by reference.

Determination of Rule's Effective Date

The FAA has determined that this AD action has no adverse economic impact on any person, does not impose any new requirements or provide any additional burden on any person, in order to accomplish the requirements of this AD. Therefore, prior notice and public procedures hereon are unnecessary and this amendment is made effective as of February 7, 2001 (the effective date of AD 2000-26-09).

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-67-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39 - AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-12059 (66 FR 265, January 3, 2001), and by adding a new airworthiness directive (AD), amendment 39-12190, to read as follows:

AIRWORTHINESS DIRECTIVE

Aircraft Certification Service
Washington, DC



U.S. Department
of Transportation
**Federal Aviation
Administration**

We post ADs on the internet at "av-info.faa.gov"

The following Airworthiness Directive issued by the Federal Aviation Administration in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 39, applies to an aircraft model of which our records indicate you may be the registered owner. Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive (reference 14 CFR part 39, subpart 39.3).

REVISION

2000-26-09 R1 DORNIER LUFTFAHRT GMBH: Amendment 39-12190. Docket 2001-NM-67-AD. Revises AD 2000-26-09, Amendment 39-12059.

Applicability: All Model 328-100 series airplanes, certificated in any category.

NOTE 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure continued structural integrity of these airplanes, accomplish the following:

Airworthiness Limitations Revision

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating Revision 13 of the Dornier 328 Airworthiness Limitations Document (ALD), TM-ALD-010693-ALL, dated July 25, 1997, and the Temporary Revision (TR) documents into the Airworthiness Limitations Section (ALS) listed in Table 1, as follows:

Table 1 Temporary Revisions.

TR Number	Date of Issue
TR ALD-042	January 31, 1997
TR ALD-048	May 12, 1998
TR ALD-050	October 2, 1997
TR ALD-052	December 11, 1997
TR ALD-053	April 29, 1998
TR ALD-054	May 12, 1998
TR ALD-055	May 26, 1998
TR ALD-056	July 22, 1998
TR ALD-057	October 23, 1998

TR Number	Date of Issue
TR ALD-059	December 11, 1998
TR ALD-062	May 18, 1999
TR ALD-063	August 10, 1999
TR ALD-064	October 10, 1999
TR ALD-065	November 26, 1999
TR ALD-067	February 7, 2000
TR ALD-068	February 4, 2000
TR ALD-070	May 25, 2000

NOTE 2: When the TR documents have been incorporated into the latest issue of the general revisions of the ALD, the general revisions may be incorporated into the ALS, provided that the information contained in the general revisions is identical to that specified in the TR documents.

(b) Except as provided in paragraph (c) of this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (a) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

NOTE 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Revision 13 of the Dornier 328 Airworthiness Limitations Document, TM-ALD-010693-ALL, dated July 25, 1997; and the Dornier Temporary Revisions listed in Table 2, as follows:

Table 2 Temporary Revisions.	
TR Number	Date of Issue
TR ALD-042	January 31, 1997
TR ALD-048	May 12, 1998
TR ALD-050	October 2, 1997
TR ALD-052	December 11, 1997
TR ALD-053	April 29, 1998
TR ALD-054	May 12, 1998

TR Number	Date of Issue
TR ALD-055	May 26, 1998
TR ALD-056	July 22, 1998
TR ALD-057	October 23, 1998
TR ALD-059	December 11, 1998
TR ALD-062	May 18, 1999
TR ALD-063	August 10, 1999
TR ALD-064	October 10, 1999
TR ALD-065	November 26, 1999
TR ALD-067	February 7, 2000
TR ALD-068	February 4, 2000
TR ALD-070	May 25, 2000

Revision 13 of the Dornier Airworthiness Limitations Document TM-ALD-010693-ALL, contains the following list of effective pages:

Page Number	Revision Level Shown on Page	Date Shown on Page
List of Effective Pages Pages 1, 2	13	July 25, 1997

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on February 7, 2001.

FOR FURTHER INFORMATION CONTACT: Tom Groves; Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggan, Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.